

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BA-PAKAL LUMA NATION, on  
behalf of its member Thomas  
Leon Gibson, also Known as  
Black Feather and Coosa  
Nation, a sister Nation  
and Juridical Personality,

Plaintiff,

v.

1:22-cv-390

CHIEF TRAVIS STROUD, OFFICER  
DEVON WILLIAMSON, LIEUTENANT  
BRENT J. MACFARLAND, HIGH  
POINT POLICE DEPARTMENT,  
MAGISTRATE JOSHUA PASCHAL,  
MAGISTRATE J.N FOSTER,  
DISTRICT ATTORNEY AVERY L.  
CRUMP, J. ANDREWS HOWE, ESQ.,  
THE STATE OF NORTH CAROLINA,  
GOVERNOR ROY COOPER, JOSH  
STEIN, ERIC BOYETTE, TORRE  
JESSUP, WAYNE GOODWIN,  
NORTH CAROLINA DEPARTMENT  
OF MOTOR VEHICLES, JONATHAN  
EVANS, EVERETT GUYNN, and  
DAVIDSON COUNTY

Defendant(s).

**ORDER**

This matter is before this court for review of the  
Recommendation filed on September 22, 2022, by the United States  
Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc.  
5.) In the Recommendation, the Magistrate Judge recommends that  
Plaintiff's Application to Proceed In Forma Pauperis be denied

and that the Complaint in this action be dismissed without prejudice to any interested individuals filing suit and bringing their own claims, accompanied by the filing fee or their own Application to proceed in forma pauperis. The Recommendation was served on the parties to this action on September 22, 2022 (Doc. 6). Plaintiff timely filed objections (Doc. 7) to the Recommendation, and Defendants J. Andrew Howe and Davidson County responded. (Doc. 8.)

This court is required to Amake a de novo determination of those portions of the [Magistrate Judge=s] report or specified proposed findings or recommendations to which objection is made.@ 28 U.S.C. § 636(b)(1). This court Amay accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions.@ Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge=s Recommendation. This court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that the Magistrate Judge=s Recommendation (Doc. 5) is **ADOPTED**.

**IT IS FURTHER ORDERED** that Ba-Pakal Luma Nation's Application to Proceed In Forma Pauperis, (Doc. 1), is **DENIED** and this action is hereby **DISMISSED WITHOUT PREJUDICE** to re-filing by individual plaintiffs.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 27th day of January, 2023.

  
United States District Judge